

SEWER USE AND PRETREATMENT ORDINANCE
SECTION K of the Rules and Regulations for the
Operation of the Water and Wastewater System of the
CITY OF GREENSBORO NORTH CAROLINA

ARTICLE I - GENERAL PROVISIONS.....	4
Section 1 - Purpose and Objectives.....	4
Section 2 - Administration.....	4
Section 3 - Abbreviations.....	5
Section 4 - Definitions.....	5
ARTICLE II - GENERAL SEWER USE REGULATIONS.....	13
DISCHARGE REQUIREMENTS, STANDARDS AND PROHIBITIONS.....	13
Section 1 - Prohibited Discharge Standards.....	13
Section 2 - National (Federal) Categorical Pretreatment Standards.....	15
Section 3 - City of Greensboro POTW Protection Criteria Values	15
Section 4 - Local Limits.....	15
Section 5 - Local Pollutant Allocations.....	16
Section 6 - Resource Conservation and Recovery Act Compliance	16
Section 7 - Point of Discharge	16
Section 8 - Discharge To Other Outlets Prohibited	16
Section 9 - Permit Required for Use of Sanitary Sewer System	16
Section 10 - Dilution Prohibition.....	16
Section 11 - Pretreatment Facilities	16
Section 12 - Additional Pretreatment Measures	17
Section 13 - Accidental Discharge Prevention	17
REPORTING REQUIREMENTS	18
Section 14 - Accidental Discharge Notification	18
Section 15 - Changes in Industrial Wastewater Discharges	18
Section 16 - Notification of the Discharge of Hazardous Waste	19
Section 17 - Reports and Report Submittals.....	20
Section 18 - Record Keeping	20
COMPLIANCE MONITORING AND INSPECTION.....	20
Section 19 - Right of Entry: Inspection and Sampling.....	20
Section 20 - User Monitoring Requirements	21
Section 21 - Industrial Waste Section Monitoring	22
Section 22 - Wastewater Analyses Methodology.....	22
Section 23 - Representative Samples.....	22
Section 24 - Grab and Composite Sample Collection.....	22
Section 25 - Protection of Equipment	23
Section 26 - Determination of Wastewater Volume	23
Section 27 - Falsification of Information.....	24
ARTICLE III - GENERAL PERMITTING PROCESS	24
TYPES OF WASTEWATER DISCHARGE PERMITS/DOCUMENTS.....	24
Section 1 - Types of Permits/Documents.....	24
Section 2 - Applicability.....	24
PERMIT/DOCUMENT APPLICATIONS.....	24
Section 3 - Application Submittal	24

Section 4 - Application Contents.....	25
Section 5 - Complete Applications.....	25
Section 6 - Incomplete Applications.....	25
Section 7 - Application Evaluation and Decisions.....	25
GENERAL PERMIT PROVISIONS	26
Section 8 - Compliance Required	26
Section 9 - Discharge Prohibited Where Permit Denied	26
Section 10 - Duration of Permits.....	26
Section 11 - Permit/Document Transfer.....	26
Section 12 - Permit Renewal	26
Section 13 - Continuation of Expired Permits	27
Section 14 - Permit Reopener	27
Section 15 - Modification of Permits	27
ARTICLE IV - SIGNIFICANT INDUSTRIAL USER PERMITTING AND REQUIREMENTS	28
APPLICABILITY	28
Section 1 - Significant Industrial User (SIU) Definition.....	28
SIGNIFICANT INDUSTRIAL USER REQUIREMENTS	28
Section 2 - SIU Permit Requirement.....	28
Section 3 - SIU Wastewater Discharge Permit Application and Issuance.....	28
Section 4 - SIU Document Certification and Signatory Requirements	30
Section 5 - SIU Slug Discharge Control.....	30
SIGNIFICANT INDUSTRIAL USER REPORTING	30
Section 6 - Moving or Closing Business	30
Section 7 - SIU Compliance Reports	31
Section 8 - SIU Reporting of Self-Monitoring Violation/Repeat Sampling	31
SIGNIFICANT INDUSTRIAL USER SIGNIFICANT NONCOMPLIANCE	31
Section 9 - State Significant Noncompliance Report (SNCR) and EPA Required Public Notice of SIU Significant Noncompliance.....	31
ADDITIONAL REQUIREMENTS AND PROVISIONS FOR CATEGORICAL SIGNIFICANT INDUSTRIAL USERS.....	32
Section 10 - National (Federal) Categorical Pretreatment Standards.....	32
Section 11 - Categorical Pretreatment Standards as Permit Limits	32
Section 12 - Categorical Significant Industrial User Monitoring for Pollutants Not Present	32
Section 13 - Categorical Significant Industrial User Reporting:	33
Section 14 - Categorical SIU Dilution Prohibition.....	35
Section 15 - Categorical SIU Affirmative Defenses to Discharge Violations	35
ARTICLE V - OTHER WASTEWATER DISCHARGE PERMITS AND DOCUMENTS..	36
Section 1 - Industrial User Discharge Permit.....	36
Section 2 - Local Pollutant Allocation Document	37
Section 3 - Groundwater Discharge Permits.....	37
Section 4 - Temporary Special Wastewater Discharge Permit	37
Section 5 - Letter of Acceptance Document	37
Section 6 - Other permits and documents	37
Section 7 - Special Arrangements	38

ARTICLE VI - HAULED WASTEWATER	38
Section 1 - Discharge Approval Requirements	38
Section 2 - State Permit Requirement	38
Section 3- Point of Discharge	39
Section 4 - Record Keeping	39
Section 5 - Permit Tickets	39
Section 6 - Sanitation and Safety Standards	39
Section 7 - Monitoring	40
Section 8 - Harm, Interference or Pass-through Attributed to Hauled Waste	40
Section 9 - Commercial/Industrial Waste Discharges	40
Section 10 - Revocation of "Authorization to Discharge Septage to a Waste Treatment Facility"	40
Section 11 - Wastewater from Recreational Vehicle Holding Tanks	40
ARTICLE VII - ENFORCEMENT	41
ENFORCEMENT RESPONSE PLAN	41
Section 1 - Enforcement Response Plan	41
Section 2 - Enforcement Response Plan Purpose	41
ADMINISTRATIVE ENFORCEMENT REMEDIES	42
Section 3 - Informal Enforcement Notification/Actions	42
Section 4 - Formal Enforcement Notification/Actions	43
Section 5 - Other Remedies	46
Section 6 - Public Nuisances	46
Section 7 - Remedies Nonexclusive	47
ARTICLE VIII – APPEALS	47
Section 1 - Reconsideration Petitions	47
Section 2 - First Appeal Hearing	47
Section 3 - Final Appeal Hearing	48
Section 4 - Official Record	48
Section 5 - Judicial Review	48
ARTICLE IX - FEES AND CHARGES	49
Section 1 - Authority to Establish Fees and Charges	49
Section 2 - Industrial Waste Surcharges	49
Section 3 - User Charge and Fee Schedules	50
ARTICLE X - CONFIDENTIAL INFORMATION	50
Section 1 - Disclosure of Information	50
Section 2 - Public Information	50
Section 3 - Method and Time of Asserting Confidentiality Claims	50
ARTICLE XI – Fats, Oils and Grease (FOG) Policy	51
ARTICLE XII- LEGALITY	51
Section 1 - Severability	51
Section 2 - Repeal of Previous City of Greensboro Sewer Use Ordinance	51
Section 3 - Conflict	51
Section 4 - Amendments	51
ARTICLE XIII - ADOPTION AND EFFECTIVE DATE	51

ARTICLE I - GENERAL PROVISIONS

Section 1 – Purpose and Objectives

The purpose of this Ordinance is:

- (a) to protect the City of Greensboro Publicly Owned Treatment Works (POTW~~s~~) while providing for the maximum possible beneficial use of the City of Greensboro POTW~~s~~
- (b) to enable the City to comply with the General Pretreatment Regulations (40 Code of Federal Regulations Part 403) and other applicable Federal and State [15 NCAC 2H .0900] laws and regulations
- (c) to provide for the public health and welfare
- (d) to provide a safe working environment for all water and wastewater personnel.

The objectives of this Ordinance are:

- (a) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To protect both municipal personnel who may come into contact with sewage, sludge, and effluent in the course of their employment as well as protecting the general public;
- (d) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system.
- (e) To enable the City of Greensboro to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, air quality permit, sludge use and disposal requirements and any other Federal or State laws to which the POTW is subject.

THIS ORDINANCE SHALL APPLY TO ALL DISCHARGERS TO THE CITY OF GREENSBORO WASTEWATER SYSTEM. This Ordinance provides for the regulation of all dischargers (direct and indirect) to the Greensboro wastewater system, through the issuance of permits to certain non-domestic users and through enforcement of general requirements for all users, authorizes monitoring and enforcement activities, requires user reporting for certain discharges, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. By discharging wastewater into the City of Greensboro wastewater system, all users located outside the City limits agree to comply with the terms and conditions established in this Ordinance, as well as any permits, enforcement actions, or orders issued hereunder.

Section 2 - Administration

Except as otherwise provided herein, the Director and the Industrial Waste Section of the Water Resources Department shall administer, implement and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the City Manager, Water Resources Director, Water Reclamation Manager or Industrial Waste Section Supervisor may be delegated to other City personnel, unless otherwise prescribed by State or Federal law.

Section 3 - Abbreviations

The following abbreviations when used in this Ordinance, shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
CWA	Clean Water Act
DWR	Division of Water Resources
EPA	Federal Environmental Protection Agency
ERP	Enforcement Response Plan
IU	Industrial User
IWS	City of Greensboro Industrial Waste Section
mg/l	milligrams per liter
MAHL	Maximum Allowable Headworks Loading
N.C.G.S.	North Carolina General Statutes
NOD	Notice of Deficiency
NCDEQ	North Carolina Department of Environmental Quality
NAICS	North American Industry Classification System
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901 et. seq.
TSS	Total Suspended Solids
U.S.C.	United States Code

Section 4 - Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the following meanings:

1. **ACCIDENTAL DISCHARGE.** Any release of wastewater which, for any unforeseen reason, fails to comply with any prohibition or limitation in this Ordinance or a discharge permit.
2. **ACT or "the ACT".** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
3. **ALLOCATION OR LOCAL POLLUTANT ALLOCATION.** A concentration or mass-based pollutant-specific loading allocated to a user by the Industrial Waste Section under the provisions of the City of Greensboro Local Pollutant Allocation Program. Allocations are issued for certain pollutants not specifically required by the EPA or State to be limited in a wastewater discharge permit. Local Pollutant Allocations are issued in a separate local control document.
4. **APPROVAL AUTHORITY.** The Director of the Division of Water Resources - North Carolina Department of Environmental Quality or a designated representative.
5. **AUTHORIZATION TO CONSTRUCT [A to C].** Written authorization from the Industrial Waste Section to construct, install and/or modify pretreatment equipment or processes.

6. AUTHORIZED REPRESENTATIVE OF THE USER. See "Signatory Official".
7. AWARE. For reports: When the Industrial User/Significant Industrial User receives the sampling results, either verbally or actual paper copy. For events (spills, violations of conditions, etc.): upon discovery.
8. BIOCHEMICAL OXYGEN DEMAND. A standard test used in determining sewage strength. The measure of decomposable organic material in domestic or industrial wastewater as represented by the quantity of oxygen utilized over a period of 5 days at 20 degrees centigrade usually expressed as a concentration [milligrams per liter] and as determined by an approved analytical method listed in 40 CFR Part 136.
9. BUILDING SEWER. A sewer conveying wastewater from the premises of a user to the POTW.
10. BYPASS. The intentional diversion of wastestreams from any portion of a user's treatment facility.
11. CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471. Unless otherwise designated, any discharger subject to a Categorical Pretreatment Standard is a "Significant Industrial User" by EPA definition.
12. CITY. The City of Greensboro, North Carolina or any authorized representative acting on behalf of the City.
13. COMPOSITE SAMPLE. A sample which is a minimum of four grab samples collected [manually or mechanically] at equally spaced time intervals over the compositing period or proportional to the flow rate over the compositing period.
14. COOLING WATER (Contact). Water used for cooling purposes which comes into direct contact with raw material, intermediate product, waste product or finished product.
15. COOLING WATER (Non-Contact). The water discharged from any use (such as air conditioning, cooling, or refrigeration, etc.) or to which the only pollutant added is heat.
16. DILUTION. An increase in the use of process water or potable water to achieve compliance with the limitations contained in the wastewater discharge permits/documents or in any other pollutant specific limitation or allocation developed by the City, as a partial or complete substitute for adequate treatment. Dilution is prohibited unless expressly authorized by an applicable pretreatment standard or requirement, or authorized by the IWS, for the sole purpose of complying with pH standards and only when there are no other pollutants of concern.
17. DIRECTOR. The City of Greensboro Water Resources Department Director who supervises the Water Resources Department and the operation of the publicly owned treatment works and is charged with certain duties and responsibilities by this ordinance, or his/her authorized representative.

18. DOMESTIC WASTE. Wastewater generated from human excrement and gray water [bathrooms, household showers, dishwashing, etc.] or any wastewater with concentrations at or below the pollutant specific numerical concentrations published in this Ordinance as "POTW Protection Criteria Values" and not subject to any other discharge standards or requirements.

19. ENVIRONMENTAL PROTECTION AGENCY or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other authorized official of said agency.

20. FATS, OILS AND GREASE [FOG]. Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time.

21. FOOD SERVICE ESTABLISHMENTS. Establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs, and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. "Food Service Establishments" include but are not limited to the following: restaurants, grocery stores, meat markets, hotels, factory and office building cafeterias, public and private schools, hospitals, nursing homes, commercial day care centers, churches, and catering services.

22. GRAB SAMPLE. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

23. GRAB COMPOSITE SAMPLE. Multiple grab samples collected over a 24-hour period and/or workday that have been manually composited prior to analysis. (For cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples must be composited in the laboratory.)

24. HARM. Damage to public or private property; injury to any person(s); POTW process upset/inhibition/disruption and/or adverse change in POTW effluent characteristics/concentrations; adverse change in POTW sludge characteristics/concentrations; and/or adverse impact on the environment including sanitary sewer overflows (SSOs).

25. INDUSTRIAL USER. Any non-domestic discharger to the POTW who does not meet the criteria for a "Significant Industrial User" as defined in this section.

26. INDUSTRIAL WASTE SECTION. The Section of the Water Resources Department, Water Reclamation Division, which has been designated by the City of Greensboro to develop, administer, implement and enforce the City of Greensboro Industrial Waste Pretreatment Program and the Sewer Use and Pretreatment Ordinance.

27. INTENTIONAL. Deliberate, premeditated, intended; done on purpose, not by accident.

28. INTERFERENCE. A discharge, which alone or in conjunction with a discharge or discharges from other sources, both: (a) inhibits or disrupts the POTW, its treatment processes or

operations, or its sludge processes, use or disposal, and (b) therefore is a cause, or contributes to, a violation of any requirement of the POTW's NPDES permit or Collection System Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 or the Clean Water Act, the Solid Waste Disposal Act (SWDA), the Clean Air Act, 40 CFR Part 503 [Standards for the Use or Disposal of Sewage Sludge], the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of sludge disposal or use employed by the POTW.

29. MEDICAL WASTE. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

30. NATIONAL (FEDERAL) CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD. See "Categorical Pretreatment Standard".

31. NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD. Absolute prohibitions against the discharge of certain substances. These mandatory prohibitions were developed by the Federal EPA and appear in Article II, Section 1 of this Ordinance under the authority of 307(b) of the Act and 40 CFR Part 403.5.

32. NEW SOURCE.

- (1) Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act that will be applicable to such a source if such standards are thereafter promulgated in accordance with that section, and provided that:
 - (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - (c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source should be considered.
- (2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria as outlined above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source has commenced if the owner or operator has:
 - (a) Begun, or caused to begin as part of a continuous onsite construction program:
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time.

Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

33. NPDES or NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT. A permit issued pursuant to Section 402 of the Act. In North Carolina, NPDES permits are issued by the NCDEQ for discharge directly to the surface waters of the State.

34. NPDES PACKAGE PLANT ACTIVATED SLUDGE. Activated sludge generated from the treatment of domestic waste in small package plants that hold State of North Carolina NPDES permits. Domestic package plant examples include those serving mobile home parks, schools, and prisons.

35. PASS THROUGH. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with discharges from other sources, causes a violation of any limit or requirement of a City of Greensboro NPDES permit or Collection System Permit, including an increase in the magnitude or duration of a violation.

36. PERSON. Any individual, partnership, co-partnership, firm, company, corporation association, joint stock company, trust, estate, governmental entity or their legal representative, agents or assigns. This definition includes all Federal, State and local government entities.

37. pH. A measure of the acidity or alkalinity of a substance expressed in standard units and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution and as determined by an approved analytical method listed in 40 CFR Part 136. A pH value of 7.0 is neutral, being neither acid nor alkaline. Values below 7.0 are acid and those above 7.0 are alkaline (basic).

38. PORTABLE TOILET WASTE. Wastewater/solids generated from the use of rented or leased portable toilets.

39. PRETREATMENT or TREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes, or other means except by diluting the concentration of the pollutants unless allowed by the IWS or an applicable pretreatment standard.

40. PRETREATMENT PROGRAM. The program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the City of Greensboro in compliance with 40 CFR 403.8 and approved by the Approval Authority (NCDEQ Division of Water Resources) in accordance with 40 CFR 403.11.

41. PRETREATMENT REQUIREMENT. Any substantive or procedural requirement related to the pretreatment program imposed on a user, other than a pretreatment standard.

42. PRETREATMENT STANDARD. Any prohibited discharge standard, categorical standard or local limit which applies to a user.

43. PUBLICLY OWNED TREATMENT WORKS (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City of Greensboro. This definition includes any devices or systems used in the collection, storage, and treatment of domestic and industrial wastewater and any conveyances which convey

wastewater to a treatment plant. For the purposes of this Ordinance, "POTW" shall also include all sewers that convey wastewater to the POTW from persons outside the City limits of Greensboro who are users of the Greensboro POTW.

44. RESIDENTIAL. Any habitable home, hotel, motel, summer camp, labor work camp, mobile home, dwelling unit in a multiple-family structure, or any other place where people reside.

45. REPORT. Any submission required by the IWS. "Reports" include but are not limited to: Baseline Monitoring Report, 90-Day Compliance Report, Toxic Organic Management Plan or Solvent Management Plan, Spill/Slug Control Plan, Pollutant Management Plan, Self-Monitoring Report, Self-Monitoring Violation Re-Sampling Report, Accidental Discharge 5-Day Report, Signatory Official Sheet, Signatory Official Change Notification Form, Company Name Change Notification, Production Status Change Notification, Production Value Report [for Production Based Categorical Standards], and Pollutant Certifications [TTO, Cyanide]. Flow monitoring data is not considered to be a Report.

46. SANITARY SEWER OVERFLOW. Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system.

47. SEPTAGE. Wastewater/solids generated in a residential septic tank system.

48. SHALL is mandatory; MAY is permissive or discretionary.

49. SIGNATORY OFFICIAL. An authorized representative of any industrial user shall be: (1) If the User is a corporation: (a) the president, secretary, treasurer or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or (b) The manager of one or more manufacturing, production, or operation facilities employing more than two-hundred fifty (250) persons if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) A Director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee, if the industrial user is a Federal, State or local government facility (4) The individuals described in (1-3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the Industrial Waste Section.

If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the Industrial Waste Section prior to or together with any reports to be signed by an authorized representative.

50. SIGNIFICANT INDUSTRIAL USER or SIU.

- (1) Any user required to meet a National categorical pretreatment standard [40 CFR Parts 405-471], or
- (2) Any user that discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding domestic, non-contact cooling and boiler blowdown wastewater); or

- (3) Any user that contributes process wastewater which makes up five percent (5%) or more of the NPDES permitted flow limit or organic capacity of the POTW treatment plant. In this context, organic capacity refers to BOD, TSS and Ammonia; or
- (4) Any user designated as such by the Industrial Waste Section on the basis that the user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement or for contributing to violations of the POTW's NPDES or collection system permit, or for limiting the POTW's sludge disposal options.
- (5) Subject to DWQ approval under 15 NCAC 02H .0907(b), the Industrial Waste Section may determine that an Industrial User meeting the criteria in part (2) or part (3) above meets the requirements of 40 CFR Part 403.3(v)(3) and thus, is not a Significant Industrial User.
- (6) Subject to DWQ approval under 15 NCAC 02H .0907(b), the Industrial Waste Section may determine that an Industrial User meeting the criteria in part (1) above meets the requirements of 40 CFR Part 403.3(v)(2) and thus, is a Non-Significant Categorical Industrial User.
- (7) Subject to DWQ approval under 15 NCAC 02H .0907(b), the Industrial Waste Section may determine that an Industrial User meeting the criteria in paragraph (1) above meets the requirements of 40 CFR Part 403.12(e)(3) and thus is a Middle Tier Categorical Industrial User. POTW sampling and inspection requirements may be cut in half as per 40 CFR Part 403.8(f)(2)(v)(C) and 403.12 (e)(3).

51. SIGNIFICANT NONCOMPLIANCE or SNC. [from 40 CFR Part 403.8(f)(2)(viii)]

Any violation by a Significant Industrial User that meets one or more of the following criteria. *Additionally, any violation by an Industrial User that meets the criteria in Parts (C), (D) or (H) shall also be SNC.*

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter (not including flow) during a six-month period *exceed* (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l);
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six-month period *equal or exceed* the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l) multiplied by the applicable TRC; (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants, except flow and pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR Part 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard that the Director determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the Director's exercise of the City's emergency authority to halt or prevent such discharge;
- E. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, required reports, such as baseline monitoring reports, 90 day compliance reports, self-monitoring reports, and reports on compliance with compliance schedules;

- G. Failure to accurately report noncompliance; or
- H. Any other violation or group of violations which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

52. **SLUG LOAD or SLUG DISCHARGE.** Any discharge at a flow rate or concentration which has a reasonable potential to cause Interference or Pass-Through, or in any other way violates the POTW's regulations, local limits, or Industrial User Permit conditions. This can include but is not limited to spills and other accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or any other discharges that can cause a violation of the prohibited discharge standards in Article II of this Ordinance.

53. **STANDARD INDUSTRIAL CLASSIFICATION (SIC).** A numerical classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

54. **STATE.** The State of North Carolina.

55. **STORM SEWER OR STORM DRAIN.** A sewer or drain designed, constructed and intended to carry storm and surface waters and drainage, but NOT wastewater.

56. **STORM WATER.** Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt. Storm water also includes any precipitation contained in an impounded or diked area or facility.

57. **SUSPENDED SOLIDS.** Solids that either float on the surface of, or are in suspension in, water, wastewater or other liquids; and which are largely removable by laboratory filtering, usually expressed in parts per million or milligrams per liter by dry weight, as determined by an approved analytical procedure listed in 40 CFR Part 136.

58. **TAMPERING.** Altering sampling equipment or flow monitoring equipment [i.e. settings, location, placement of tubing, power source] used for the purposes of compliance monitoring and/or handling such equipment negligently or destructively.

59. **TOXIC POLLUTANT/SUBSTANCE.** Any substance whether gaseous, liquid, or solid, which when discharged into the wastewater system in sufficient quantities may interfere with any wastewater treatment process, or constitute a hazard to human beings or animals, or inhibit aquatic life or create a hazard to recreation in the receiving waters of the effluent from the wastewater plant. These substances include but are not limited to those listed as toxic in regulations promulgated by the EPA under the provisions of CWA 307(a) or other Acts.

60. **UPSET.** An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, and/or lack of preventative maintenance or careless or improper operation.

61. **USER.** Any person who contributes, causes or permits the discharge of wastewater into the City of Greensboro POTW.

62. **UNAUTHORIZED DISCHARGE:** An unauthorized discharge is any : (a) Process Wastewater Discharge outside the scope of the permit application and/or permit (b) Process Wastewater

Discharge from a facility meeting the definition of Significant Industrial User without an SIU permit (c) Process Wastewater Discharge from a facility with an expired SIU permit (d) Process Wastewater Discharge that violates any Sewer Use Ordinance limitation, requirement or condition [unless specifically allowed in a document issued to the Industrial User by the City of Greensboro Industrial Waste Section].

63. WASTEWATER. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.

64. WASTEWATER DISCHARGE PERMIT/DOCUMENT. As set forth in Articles III, IV, V and VI of this Ordinance.

65. WATERS OF THE STATE. All streams, rivers, brooks, swamps, sounds, estuaries, bays, creeks, lakes, ponds, marshes, waterways, reservoirs, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon North Carolina or any portion thereof.

ARTICLE II - GENERAL SEWER USE REGULATIONS

It is the purpose of this article to set forth general regulations applicable to all users of the wastewater treatment system. These general prohibitions and regulations apply to all users of the POTW whether or not they are Significant Industrial Users or are subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirements.

DISCHARGE REQUIREMENTS, STANDARDS AND PROHIBITIONS

Section 1 - Prohibited Discharge Standards

- A. General Prohibitions. No user shall discharge or cause to be discharged into the POTW, directly or indirectly any pollutant or wastewater which causes pass through or interference.
- B. Specific Federal Prohibitions. No user shall discharge or cause to be discharged into the POTW the following pollutants, substances, or wastewater:
 - (1) Pollutants which create a fire or explosion hazard in the POTW, including but not limited to wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
 - (2) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with a pH less than 5.0 standard units or a pH greater than 12.0 standard units.
 - (3) Solid or viscous pollutants (including fats, oils and greases of animal or vegetable origin) in amounts which will cause obstruction to the flow in the POTW collection system, harm to the collection system and/or result in harm and/or interference at the POTW treatment plant.
 - (4) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration, either singly or by interaction with other pollutants, which will cause harm and/or interference with the POTW.

- (5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the introduction into the POTW Treatment Plant exceeds 40 degrees Centigrade or 104 degrees Fahrenheit.
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause harm, interference or pass through.
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW or the POTW collection system in a quantity that may cause acute worker health and safety problems.
- (8) Any trucked or hauled wastewater/pollutants, except at discharge points designated by the City of Greensboro IWS.

C. Other Prohibitions. No user shall discharge or cause to be discharged into the POTW the following pollutants, substances, or wastewater:

- (1) Any noxious or malodorous liquid, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or health hazard or are sufficient to prevent entry into the sewers for maintenance and repair.
- (2) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Act or State of North Carolina criteria applicable to the sludge management method being used.
- (3) Wastewater having color which cannot be removed by the Greensboro POTW treatment processes, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the POTW effluent.
- (4) Wastewater containing any radioactive wastes or isotopes except those specifically approved by the Industrial Waste Section in compliance with applicable State or Federal regulations.
- (5) Storm water, surface water, groundwater, artesian well water, roof runoff and subsurface drainage unless specifically authorized by the Industrial Waste Section.
- (6) Wastewater causing, alone or in conjunction with other sources, the POTW effluent to fail a Whole Effluent Toxicity test.
- (7) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the wastewater collection system, POTW or the POTW effluent.
- (8) Any solids, sludges, screenings, filter backwash, or other pollutants/residues removed and/or generated through business activities or pretreatment or control of wastewaters. These materials shall be disposed of in such a manner as to prevent pollutants from entering the surface waters of the State of North Carolina.
- (9) Any medical wastes, except as specifically authorized by the Industrial Waste Section.
- (10) Any wastewater causing the POTW effluent to violate State of North Carolina Water Quality Standards for toxic substances as described in 15A NCAC 2B .0200.
- (11) Any material that would be identified as hazardous waste according to 40 CFR Part 261 if not disposed of in a sewer, except as may be specifically authorized by the IWS.

Pollutants, substances, wastewater or other wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

Section 2 - National (Federal) Categorical Pretreatment Standards

Users subject to Federal categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405-471. In addition, any user subject to a categorical pretreatment standard is a "significant industrial user" by EPA definition and must apply for a "Significant Industrial User" (SIU) Wastewater Discharge Permit. [See Article IV of this Ordinance for specific requirements for all SIUs subject to a Federal Categorical Pretreatment Standard.]

Section 3 – City of Greensboro POTW Protection Criteria Values

No user shall discharge wastewater containing in excess of the following POTW Protection Criteria concentrations without prior notification to the City of Greensboro Industrial Waste Section. An Industrial Waste Survey or Wastewater Discharge Permit Application is required as prior notification. These average concentrations apply at the point where the wastewater is discharged to the POTW collection system. The City of Greensboro reserves the right to establish additional POTW Protection Criteria at any time it is deemed necessary.

Parameter	mg/l
Arsenic (total)	0.004
Cadmium (total)	0.003
Chromium (total)	0.05
Copper (total)	0.061
Cyanide (total)	0.015
Lead (total)	0.049
Mercury (total)	0.0003
Nickel (total)	0.021
Selenium (total)	0.010
Silver (total)	0.005
Zinc (total)	0.175
Biochemical Oxygen Demand	250
Total Suspended Solids	250
Ammonia-Nitrogen	25
Total Phosphorus	10

Section 4 – Local Limits

The City of Greensboro Industrial Waste Section establishes technically based local limits through the calculation of Maximum Allowable Headworks Loadings [MAHL] for all pollutants of concern. Industrial Waste Survey information will be used to develop Industrial User-specific local limits when necessary to ensure that the Greensboro POTW MAHLs are not exceeded. Any applicable local limits shall be included in individual Significant Industrial User or Industrial User wastewater discharge permits or other documents.

The Industrial Waste Section may impose mass based local limits in addition to, or in lieu of concentration based local limits.

Section 5 – Local Pollutant Allocations

The Industrial Waste Section is also authorized to develop and issue Local Pollutant Allocations for the control of pollutants of concern. These Local Pollutant Allocations are also based on the Maximum Allowable Headworks Loadings and are implemented through the issuance of City of Greensboro Local Pollutant Allocation Documents. A Local Pollutant Allocation is NOT considered to be a local limit. Rather, it is a local control mechanism for pollutants that do not require the issuance of a local limit or Categorical Pretreatment Standard.

Section 6 - Resource Conservation and Recovery Act Compliance

All industrial users are responsible for assuring compliance with all requirements regarding the generation, treatment, storage and/or disposal of "hazardous wastes" as defined in the Federal Resource Conservation and Recovery Act (RCRA).

Section 7 - Point of Discharge

No person or user shall discharge waste, wastewater, or any other substance directly into a manhole, clean-out pipe, or other opening in a sanitary sewer other than through an approved building sewer without prior designation by the Industrial Waste Section as an approved point of discharge.

Section 8 - Discharge To Other Outlets Prohibited

It shall be unlawful for any user to discharge any domestic, industrial or process wastewaters to any outlet other than a sanitary sewer, except where an appropriate NPDES Permit has been obtained from the State of North Carolina for the specific discharge.

Section 9 - Permit Required for Use of Sanitary Sewer System

No person, who does not have permission from the City, shall uncover, make any connections with or opening into, use, alter, or disturb the sanitary sewer or appurtenance thereof without first obtaining a written permit from the City.

Section 10 - Dilution Prohibition

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the wastewater discharge permits/documents or in any other pollutant specific limitation or allocation developed by the City unless expressly authorized by an applicable pretreatment standard or requirement, or by the IWS for the sole purpose of complying with pH standards and only when there are no other pollutants of concern.

Section 11 - Pretreatment Facilities

All users shall design, construct, operate and maintain wastewater pretreatment facilities whenever necessary to reduce or modify the user's wastewater characteristics to achieve compliance with applicable National Pretreatment Standards, or to meet any other wastewater condition or limitation contained in this Ordinance or the user's wastewater discharge permit/document. Any pretreatment facility shall be provided, operated, and maintained at the user's expense.

Pretreatment Facility plans and operating procedures shall be submitted to the Industrial Waste Section for review and shall be acceptable to the Industrial Waste Section before construction of the facility. The review and acceptance of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to achieve effluent compliance.

Prior to beginning any construction, installation or modification to pretreatment processes or equipment the user shall obtain an Authorization to Construct (A to C) from the Industrial Waste Section. The user is responsible for obtaining any building, plumbing, and/or other permits that may be required by the City of Greensboro or Guilford County.

The Industrial Waste Section may require "as built" drawings to be submitted for complex pretreatment facilities, upon completion of the facility.

Any subsequent significant changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Industrial Waste Section prior to the user's implementation of the changes.

Section 12 - Additional Pretreatment Measures

- A. Whenever necessary the City of Greensboro may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate domestic wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and/or determine the user's compliance with the requirements of this Ordinance or any applicable wastewater discharge permit or document.
- B. The City of Greensboro may require any user discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow and/or pollutant discharges.
- C. Grease, oil and sand interceptors shall be provided, when, in the opinion of the Water Resources Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand. All interception units shall be of type and capacity approved by the City of Greensboro and shall be so located as to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly as needed, by the user at their expense.

Section 13 - Accidental Discharge Prevention

All users shall provide such facilities and institute such procedures as are necessary to prevent or minimize the potential of accidental discharge into the POTW or the surface waters of the State of North Carolina, of waste regulated by this Ordinance from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds. The Industrial Waste Section can require any user to install additional facilities or develop additional procedures to prevent accidental discharges. Failure to provide these additional facilities and procedures shall be a violation of this Ordinance.

The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharges of waste shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities or development of procedures which will prevent or minimize the potential for accidental discharges. Plans for any required procedures or facilities shall be submitted to the Industrial Waste Section for review. Upon approval by the IWS, the implementation of the procedure and/or construction of the facility may become a special condition of the user's wastewater discharge permit/document.

REPORTING REQUIREMENTS

Section 14 - Accidental Discharge Notification

In the case of an accidental discharge (of any petroleum product, hazardous waste, hazardous and/or toxic chemical, product, or pollutants regulated by this Ordinance or a permit/document issued under this Ordinance) into the sanitary sewer system, the storm sewer system, or the surface waters (creek, stream, etc.), it is the responsibility of the user to immediately telephone and notify the appropriate entities, in particular the POTW or IWS in the case of an accidental discharge to the Greensboro sanitary sewer system. The notification shall include location of discharge, type of product or waste, volume, corrective actions planned, and the identity of the facility and the caller.

Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW or the surface waters nor from liability of fish kills or any other damage to person or property nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this Ordinance or other applicable law. However, failure to notify shall be a significant violation (Significant Non-Compliance) of this Ordinance and/or the user's wastewater discharge permit and is subject to enforcement action up to and including termination of service or revocation of the user's wastewater discharge permit.

The IWS may require the user to submit a written report within five (5) working days following an accidental discharge. The report, if required, shall include a detailed description of the cause of the discharge, the measures to be taken by the user to prevent similar future occurrences and any disciplinary action taken against those responsible for the incident.

A notice shall be permanently posted at a prominent place in the user's facility advising employees whom to call in the event of an accidental discharge. Employers shall ensure that all employees who observe or who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure.

Section 15 - Changes in Industrial Wastewater Discharges

All industrial users and significant industrial users shall notify the Industrial Waste Section at least forty-five (45) days in advance of any substantial change in the volume or character of pollutants in their discharge. A substantial change shall be deemed to be proposed if substances, compounds, pollutants or elements not previously constituting any part of a Significant Industrial User's industrial wastewater are to be introduced into such wastewater or if the average concentration of any substance, compound, pollutant or element in the wastewater or average volume proposed to be discharged will increase by more than twenty percent (20%) over that for which the permit was issued or if the change in character or volume of the industrial wastewater would change the user's classification to a Significant Industrial User as defined in

Article I - Section 4. In the case of doubt as to whether an intended change constitutes a substantial change, it shall be the responsibility of the user intending to make such change to make the necessary notification or obtain a written ruling from the Industrial Waste Section that an application for a new permit is not required. The permittee shall not begin the changes until receiving written approval from the IWS.

Section 16 - Notification of the Discharge of Hazardous Waste

- A. A user shall notify the Industrial Waste Section, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Article II, Section 15 of this Ordinance. The notification requirement in this section does not apply to pollutants subject to categorical pretreatment standards and already permitted by the IWS.
- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR Part 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR Part 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Industrial Waste Section, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder or any applicable Federal or State law.

Section 17 - Reports and Report Submittals

All users not required to obtain a wastewater discharge permit/document shall provide appropriate reports to the Industrial Waste Section in response to a written notification or Ordinance requirement.

All users classified as Non-Significant Categorical Industrial Users shall provide appropriate reports to the Industrial Waste Section upon written request. At a minimum, this shall include the Annual Certification of continuing to meet the Non-Significant Categorical Industrial User criteria as required under 40 CFR Part 403.12(q).

All reports required under the authority of this Ordinance shall be submitted to the following address:

City of Greensboro
Industrial Waste Section
Osborne Water Reclamation Facility
P.O. Box 3136
Greensboro, North Carolina 27402-3136

Reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. Reports due on dates which fall on a Saturday, Sunday, or Local, State, or Federal legal holiday will be considered to be submitted on time if submitted on the next calendar day which is not a Saturday, Sunday, or Local, State, or Federal legal holiday.

Reports submitted by e-mail will be accepted to meet report submittal dates. However, an original signatory copy along with the required certification statement must follow within five (5) days of receipt of the e-mail copy.

Section 18 - Record Keeping

Any users subject to the reporting requirements of this Ordinance shall retain for a minimum of 3 years any records of monitoring activities and results, and shall make such records available for inspection and copying upon request of the IWS. This period of retention shall be extended during the course of any unresolved litigation regarding the user or the City.

COMPLIANCE MONITORING AND INSPECTION

Section 19 - Right of Entry: Inspection and Sampling

The City of Greensboro shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Ordinance and any wastewater discharge permit/document issued hereunder. Users shall allow the Industrial Waste Section ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying and the performance of any additional duties. If an authorized City representative is refused admittance to any premises for any such purpose or is hindered or prevented from making such examination or monitoring, the water service shall be turned off and shall not be turned on again until free access is given. The City of Greensboro Industrial

Waste Section hereby defines any user who fails to admit City personnel for said purposes as being in Significant Noncompliance with pretreatment requirements.

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security staff so that, upon presentation of suitable identification, the Industrial Waste Section will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Industrial Waste Section shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct effluent sampling and/or flow metering of the user's operations.
- C. The Industrial Waste Section may require the user to install sampling and/or monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at the user's own expense. All devices used to measure wastewater flow and quality shall be calibrated according to the manufacturer's instructions and as required in the Wastewater Discharge Permit to ensure accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the sampling facility or areas to be inspected and/or monitored shall be promptly removed by the user at the written or verbal request of the Industrial Waste Section. The costs of clearing such access shall be borne by the user.
- E. The City of Greensboro has legal authority to inspect the facilities of any user in order to ensure compliance with the Ordinance and any applicable wastewater discharge permit/document. Such inspection shall be made with the consent of the owner, manager or signatory official. If such consent is refused, the POTW may seek issuance of a search warrant.
- F. In the event of an emergency affecting the public health or safety, or an immediate threat to the environment or POTW, such inspection can be made without consent or the issuance of a warrant.

Section 20 - User Monitoring Requirements

The Industrial Waste Section may, by regulation, order, permit, written notification, enforcement action or otherwise, require *any user* who discharges into the wastewater system to:

- 1. Establish and maintain records;
- 2. Submit reports;
- 3. Install, calibrate, use, and maintain sampling and monitoring equipment or methods;
- 4. Sample discharges and effluents (in accordance with the methods, at the locations, at the intervals, and in the manner as the Industrial Waste Section shall prescribe); and
- 5. Provide other information relating to discharges into the wastewater system.

The activities outlined above shall be related to ensuring compliance with this Ordinance or related State or Federal regulations, any applicable wastewater discharge permit/document or protection of the POTW, the public or POTW personnel.

Section 21 - Industrial Waste Section Monitoring

When so requested by the industrial user, samples collected by the Industrial Waste Section staff may be split with the industrial user for verification of analytical results. All valid data shall be used for compliance determination and in enforcement actions. However, determination of the character, strength, or quantity of the wastes as made by the Industrial Waste Section shall be binding as a basis for computation of fees/charges by the City of Greensboro.

Self-monitoring sampling required by the SIU permit shall not be conducted simultaneously with POTW sampling events. Any self-monitoring samples (grab or composite) must be collected on a different calendar day from the POTW sampling event. Any samples collected by the permittee during POTW sampling events shall be considered to be a "split sample" and will be averaged for the POTW sample result if all required QA/QC is met.

Section 22 - Wastewater Analyses Methodology

All measurements, sampling, tests and analyses of the characteristics or properties of water and wastewaters conducted to determine compliance with this Ordinance or any wastewater discharge permit or document shall be performed in accordance with the procedures outlined in 40 CFR Part 136 as amended. Any parameter not included in 40 CFR Part 136 may be performed using accepted laboratory methodology for that particular analysis or pollutant upon written notification to and approval by the Industrial Waste Section.

All user self-monitoring data submitted for compliance determination shall be performed by a laboratory certified by the State of North Carolina Division of Water Quality to conduct wastewater analysis for the appropriate parameters, or by an on-site SIU laboratory approved by the City of Greensboro Industrial Waste Section for the appropriate parameters.

Section 23 - Representative Samples

All wastewater samples for compliance monitoring must be representative of the user's discharge. Samples collected and measurements taken shall be conducted on a day that is characteristic of the volume and nature of the permitted discharge.

Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

Section 24 - Grab and Composite Sample Collection

Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, temperature and volatile organic compounds. The POTW shall determine the number of grabs necessary to be representative of the User's discharge. Additionally, the Industrial Waste Section may allow collection of multiple grabs during a 24-hour period which are composited prior to analysis as allowed under 40 CFR Part 403.12 (g)(3) for cyanide, total phenols, sulfides, volatile organics, and oil and grease ["grab composite sample"].

Composite Samples: All wastewater composite samples shall be collected at a frequency determined by the Industrial Waste Section to ensure a representative sample. All wastewater composite samples shall be collected using flow proportional composite collection techniques, unless time-proportional composite sampling or manual composite sampling is authorized by the Industrial Waste Section. When authorizing time-proportional composites or grabs, the samples must be representative and the decision to allow the alternative sampling must be documented.

Section 25 - Protection of Equipment

No person shall maliciously, willfully, or negligently break, damage, destroy, deface, tamper with, or remove any equipment or materials which are part of the sanitary sewer system or which are used by the Industrial Waste Section for the purposes of making waste examinations and waste flow measurements or monitoring and left upon the premises of a person discharging wastes into the sanitary sewer system. The user shall be responsible for the safety of such equipment and may be held liable for any such damage. Only persons authorized by the Industrial Waste Section will be allowed to uncover, adjust, maintain, and remove such equipment and materials.

Section 26 - Determination of Wastewater Volume

The volume or quantity of wastewater discharged by any user into the sanitary sewer system shall be measured by one or more of the following methods:

- A. If the volume of water used by any user in industrial or process operations is substantially the same as the volume secured from the municipal potable water system, then the volume of water purchased shall be considered to be the volume of water discharged.
- B. If a substantial portion of the water secured from the municipal potable water system is not used for industrial purposes in a user's facility or is not returned to the sanitary sewer system, the quantity of wastewater discharged shall be determined by one or more of the following methods:
 - A. By a meter(s) on the water supply line(s) to industrial and process operations;
 - B. By a meter(s) on the waste line(s) from industrial and process operations; and/or
 - C. By an approved "return factor" established by the Industrial Waste Section.
- C. If any user now discharging or proposing to discharge industrial waste into the sanitary sewer system does not secure its entire water supply requirements from the municipal potable water system, such user shall install and maintain a meter(s) on the waste line(s) from the industrial and process operations or shall install such additional meters on the private water supply as required to permit determination of the total quantity discharged to the sanitary sewer system from both sources.

All sources of water supply and all discharges of wastewater into the sanitary sewer system must be identified. Any omissions shall be considered as unauthorized use of the sanitary sewer system.

Section 27 – Falsification of Information

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance or any wastewater discharge permit/document, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall be considered to be in Significant Noncompliance (SNC) with this Ordinance under Article I, Section 4 (51.)(H.) Significant Noncompliance.

ARTICLE III - GENERAL PERMITTING PROCESS

It is the purpose of this Article to present general permitting process provisions for all types of discharge permits and discharge documents issued by the Industrial Waste Section of the City of Greensboro. All user permit limits and conditions shall take precedence in any contradictions to this Ordinance.

TYPES OF WASTEWATER DISCHARGE PERMITS/DOCUMENTS

Section 1 - Types of Permits/Documents

The Industrial Waste Section is authorized to issue the following permits and documents associated with the discharge of wastewater to the City of Greensboro sanitary sewer system:

- A. Significant Industrial User (SIU) Wastewater Discharge Permit
- B. Industrial User (IU) Wastewater Discharge Permit
- C. Local Pollutant Allocation Document
- D. Groundwater Remediation Discharge Permit
- E. Special Wastewater Discharge Permit
- F. Letter of Acceptance Document
- G. Septage Hauler Discharge Permit

These permits and documents are issued under the authority of this Ordinance and as such are all subject to the general requirements, enforcement provisions, and administrative procedures.

Section 2 - Applicability

Any user who desires to discharge wastewater containing pollutant concentrations which do NOT exceed any of the POTW Protection Criteria Values (in Article II, Section 3) established by the Industrial Waste Section shall not require a wastewater discharge permit, provided the user does not meet any other permitting criteria for any type of permit/document issued by the Industrial Waste Section of the City of Greensboro.

PERMIT/DOCUMENT APPLICATIONS

Section 3 - Application Submittal

All users required to obtain a wastewater discharge permit/document must submit a permit application. Any user who desires to discharge wastewater containing pollutant concentrations which exceed the POTW Protection Criteria Values (in Article II, Section 3) established by the Industrial Waste Section or meets any other permit criteria established herein must complete

and submit the appropriate application form. New dischargers shall file applications at least 90 days prior to commencement of discharges and existing dischargers shall file applications within 30 days of notification of SIU status by the Industrial Waste Section, unless such time is extended for good cause.

Section 4 - Application Contents

The Industrial Waste Section may require all users to submit as part of an application the following information:

- A. Estimated wastewater strength, wastewater characteristics, estimated wastewater flow, average and peak wastewater discharge flow;
- B. Description of activity, facilities, and plant process on the premises, including a list of all raw materials and chemicals used or stored at the facility, type and amount of raw material processed;
- C. Each product produced by type, amount, process or processes, rate of production and Standard Industrial Classification (SIC) number and/or North American Industrial Classification System (NAICS) number;
- D. Number and type of employees and hours of operation;
- E. Site plans, floor plans and details to show all sewers, floor drains and points of discharge; and
- F. Any other information as may be deemed necessary by the Industrial Waste Section in order to evaluate the proposed wastewater discharge.

The Industrial Waste Section is authorized to develop an official application or industrial waste survey for each type of permit or document issued.

Section 5 - Complete Applications

A complete application consists of the appropriate official application form, any additional information and analyses requested by the IWS and, for some facilities, an on-site inspection.

Section 6 - Incomplete Applications

The Industrial Waste Section will act only on applications that are complete. An incomplete application shall be returned to the applicant with a statement of the nature of the deficiency.

Section 7 - Application Evaluation and Decisions

Upon receipt of a complete application the Industrial Waste Section shall review and evaluate the application and take the following actions:

- A. Within 90 days shall issue, deny, renew a permit or make a determination that a permit is not required. A permit denial would be based on the applicant's potential to cause or contribute to pass through, or an upset of the POTW, or an air quality permit or sludge disposal regulation violation. A denial may also be based upon POTW available pollutant capacity as determined by Maximum Allowable Headworks Loadings. The applicant will be notified by mail or hand delivery of the decision of the Industrial Waste Section.
- B. The applicant shall have thirty (30) days from and after receipt of the decision of the Industrial Waste Section to submit written objections with regard to any permit limit, condition, or denial. The IWS may, but shall not be required to, schedule a meeting with

the applicant's authorized representative following receipt of the applicant's objections and attempt to resolve disputed issues concerning the permit. Appeals shall be made in accordance with the procedures outlined in Article VIII of this Ordinance.

- C. The North Carolina Department of Environmental Quality Pretreatment staff shall have thirty (30) days from and after receipt to review any permit limit, condition or denial for any SIGNIFICANT INDUSTRIAL USER WASTEWATER DISCHARGE PERMIT and may make general comments, objections, or recommendations to any limit, condition or decision with respect to the SIU permit.
- D. If no written objections are received within thirty (30) days, the decision of the Industrial Waste Section shall be final and the permit, if issued, shall be considered final and binding.

GENERAL PERMIT PROVISIONS

Section 8 - Compliance Required

No permit or document holder shall discharge industrial wastewater or groundwater in excess of the quantity, rate of discharge, concentrations or any other limits specified in the permit or document. Any person desiring to modify his or her discharge in a manner that would violate conditions of such permit/document must first apply for an amended permit/document.

Section 9 - Discharge Prohibited Where Permit Denied

In any case where a final determination has been made denying a permit/document, it shall be unlawful for any person so denied permission to discharge industrial waste or groundwater into the sanitary sewer system.

Section 10 - Duration of Permits

Wastewater Discharge Permits and documents shall be issued or renewed for a specified time period not to exceed five (5) years, and shall expire on a specific date. A Letter of Acceptance Document is the only exception to this provision.

Section 11 - Permit/Document Transfer

Wastewater Discharge Permits and documents are NOT transferable. Discharge permits and documents are issued to a specific user for a specific operation at a specific location. A wastewater discharge permit/document shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation. In the event of any change in control or ownership of facilities from which the authorized discharge emanates or is contemplated, the permittee shall notify the prospective owner or controller by letter of the existence of the permit/document and of the need to obtain a permit/document in the name of the prospective owner. A copy of the notification letter shall be forwarded to the City of Greensboro Industrial Waste Section.

Section 12 - Permit Renewal

A User must apply in writing for renewal of a permit by submitting a new application within the time period specified in the permit.

Section 13 - Continuation of Expired Permits

An expired permit/document will continue to be effective and enforceable until the permit is reissued if:

- A. The permittee has submitted a complete application in compliance with the renewal requirement contained in the existing permit; and
- B. The failure to reissue the permit/document, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

Section 14 - Permit Reopener

Wastewater Discharge Permits/Documents can be reopened and modified if changes are necessary in order for the POTW to meet State Water Quality Standards, NPDES permit limitations, air quality permit limits or to protect the POTW from interference, pass through, or sludge disposal problems.

In addition, a wastewater discharge permit can be reopened in order to include any applicable National (Federal) Categorical Pretreatment Standards.

Any permit/document can also be reopened at the request of the user. Permit/document modification requests shall be submitted in writing to the Industrial Waste Section.

Section 15 - Modification of Permits

A. Modifications Requested by Industrial Users

An industrial user seeking a permit modification shall submit a written request to the Industrial Waste Section outlining the details of the modification. If the Industrial Waste Section determines that substantial processes changes, significant [$>20\%$] flow increases and/or raw material changes are proposed, submittal of a new Permit Application may be required. Permit modifications are subject to the same administrative procedures as a permit issuance or permit renewal, including State review/approval. After review of the request the Industrial Waste Section may at its discretion modify the original permit. If the permit modification request is not approved by the Industrial Waste Section, the existing permit shall remain in full force and effect.

B. Modifications Initiated by the Industrial Waste Section

The terms and conditions of the permit may be subject to modification and changed by the Industrial Waste Section during the life of the permit. The Industrial Waste Section may in their sole discretion place further restrictions, limitations and conditions in a permit. The user shall be informed of any proposed changes in the permit at least sixty (60) days prior to the effective date of change unless the permit modification is in conjunction with an enforcement action. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. A user may request a hearing on modifications to the permit in accordance with the appeal provisions of Article VIII of this Ordinance.

ARTICLE IV - SIGNIFICANT INDUSTRIAL USER PERMITTING AND REQUIREMENTS

The purpose of this article is to outline additional regulations and provisions which are applicable to Significant Industrial Users (SIUs) of the City of Greensboro wastewater system. Significant Industrial Users must also comply with all of the general regulations contained in this Ordinance.

APPLICABILITY

Section 1 - Significant Industrial User (SIU) Definition

This Article is applicable to all Significant Industrial Users as defined in Article I-Section 4 (50.).

SIGNIFICANT INDUSTRIAL USER REQUIREMENTS

Section 2 - SIU Permit Requirement

It shall be unlawful for any Significant Industrial User to connect or discharge to the POTW without first obtaining the permission of the City of Greensboro.

All new source Significant Industrial Users shall apply for and obtain a Significant Industrial User Wastewater Discharge Permit from the City of Greensboro prior to discharging process wastewater to the City POTW.

Any existing user that becomes a significant industrial user due to an increase in the volume of process wastewater discharged, an increase in the amount of pollutants discharged, the promulgation of a new categorical pretreatment standard or the determination that a categorical pretreatment standard is applicable shall submit an application for a Significant Industrial User Permit to the Industrial Waste Section within ninety (90) days of becoming aware of the requirement.

Section 3 - SIU Wastewater Discharge Permit Application and Issuance

When requested by the Industrial Waste Section, a user must submit information on the nature and characteristics of its wastewater discharge within the time specified by the City. All users required to obtain an SIU wastewater discharge permit must submit an SIU permit application. The Industrial Waste Section is authorized to develop the application form for this purpose and may periodically require users to update this information.

- A. The application shall include at a minimum the information required by 15 NCAC 02H .0916 (c)(1)(A-L).
- B. The Industrial Waste Section will evaluate the data furnished by the user and may require additional information.
- C. Within 60 days of receipt the Industrial Waste Section shall acknowledge and accept the completed application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.
- D. The Industrial Waste Section shall conduct a review of the application and an on-site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.

- E. If the tentative determination is to issue the permit, the Industrial Waste Section shall organize the IWS general permit conditions along with the following determinations made, into a significant industrial user permit:
 - a. Proposed discharge limitations for those pollutants proposed to be limited
 - b. A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
 - c. A brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application
- F. The IWS shall prepare the following permit support documents for all Significant Industrial User permits:
 - a. An allocation table listing permit information for all Significant Industrial Users including but not limited to permit effective and expiration dates, and a comparison of total permitted flows and loads with DWR approved maximum allowable loadings of the POTW, including flow, on forms or in a format approved by DWR. The allocation table shall be updated as permits are issued, renewed, or modified when the permit limits or other allocation table information are revised.
 - b. The basis, or rationale, for the pretreatment limitations, including documentation of categorical determination, calculations used in applying categorical pretreatment standards; and rationale of any parameters for which monitoring has been waived under 40 CFR Part 403.12(e)(2).
- G. The Industrial Waste Section shall take final action on all applications not later than 90 days following receipt of a complete application and an on-site inspection.
- H. The Industrial Waste Section is authorized to:
 - a. Issue Significant Industrial User permits containing such conditions as are necessary to effectuate the purposes of this ordinance and state law;
 - b. Deny a permit application when in the opinion of the IWS such discharge may cause or contribute to pass-through or interference;
 - c. Modify any permit upon not less than 60 days notice to the user unless the modification is at the request of the permittee, whereupon the 60 day period can be waived;
 - d. Revoke or suspend a permit;
- I. Wastewater Permits shall contain but are not limited to, the following:
 - a. A statement of duration (in no case more than five years);
 - b. A statement of non-transferability;
 - c. Applicable effluent limits based on categorical standards or local limits or both;
 - d. Applicable monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, state and local law.
 - e. Requirements for notifying the POTW in the event of an accidental discharge or slug load;
 - f. Requirements to implement a Plan or other controls for prevention of accidental discharges;
 - g. Requirements for immediately notifying the POTW of any changes at its facility affecting the potential for spills and other accidental discharges;
 - h. A statement of applicable civil and/or criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

Section 4 - SIU Document Certification and Signatory Requirements

All SIU discharge permit applications and SIU reports must be signed by the current authorized "signatory official" of the user on file with the Industrial Waste Section and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Section 5 - SIU Slug Discharge Control

The Industrial Waste Section shall evaluate whether each SIU needs a plan or other action to control and prevent slug discharges and accidental discharges. All SIUs shall be evaluated to determine the need for a Slug Control Plan within one year of being designated an SIU. The Industrial Waste Section may require any user to develop, submit for approval, and implement such a plan or other specific action. Alternatively, the Industrial Waste Section may develop such a plan for any user.

All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load.

A slug discharge control plan shall contain, at a minimum, the following elements:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibited discharge standard included in Article II, Section 1 of this Ordinance, with procedures for follow-up written notification within five days, if required; and
- D. Procedures to prevent adverse impact from any accidental spill or slug discharge, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

SIGNIFICANT INDUSTRIAL USER REPORTING

Section 6 - Moving or Closing Business

Any Significant Industrial User who will be closing their facility or moving a facility from its present location must notify the Industrial Waste Section in writing at least thirty (30) days prior to closing. In addition the Industrial Waste Section shall be notified of the final disposition of all chemicals, products, raw materials and/or process wastewater onsite, associated with the move or the cessation of business. Discharging such waste or wastewater into the POTW without prior notification to and approval by the IWS may subject the user to enforcement action.

Section 7 - SIU Compliance Reports

- A. Any Significant Industrial User required to self-monitor or submit pollutant certification reports to the Industrial Waste Section shall submit such reports at a frequency determined by the Industrial Waste Section, but in no case less than once every six months. The reports shall indicate the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period.
- B. If a significant industrial user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Industrial Waste Section, using the procedures prescribed in 40 CFR Part 136 at the sampling point designated in the permit, the results of this additional monitoring shall be included in the report.
- C. The Industrial Waste Section may sample and analyze user discharges in lieu of requiring the users to conduct sampling and analysis.

Section 8 - SIU Reporting of Self-Monitoring Violation/Repeat Sampling

A. If sampling performed by a Significant Industrial User indicates a violation, the SIU shall notify the Industrial Waste Section within 24 hours of becoming aware of the violation. The SIU shall also repeat the sampling and analysis and submit the results of the repeat analysis to the IWS within 30 days after becoming aware of the violation, except the SIU is not required to resample if:

- 1. The Industrial Waste Section performs sampling at the SIU at a frequency of at least once per month; or
- 2. The Industrial Waste Section performs sampling at the SIU between the time when the SIU performs its initial sampling and the time when the SIU receives the results of this sampling.

B. If the Industrial Waste Section does not require the Significant Industrial User to perform any self-monitoring and the Industrial Waste Section sampling of the SIU indicates a violation, the Industrial Waste Section shall repeat the sampling and obtain the results of the repeat analysis within thirty (30) days after becoming aware of the violations, unless one of the following occurs:

- 1. The Industrial Waste Section monitors at the SIU at least once a month; or
- 2. The Industrial Waste Section samples the SIU between their initial sampling and when the Industrial Waste Section receives the results of this initial sampling; or
- 3. The Industrial Waste Section requires the SIU to perform sampling and submit the results to the Industrial Waste Section within the 30 day deadline of the Industrial Waste Section becoming aware of the violation.

SIGNIFICANT INDUSTRIAL USER SIGNIFICANT NONCOMPLIANCE

Section 9 - State Significant Noncompliance Report (SNCR) and EPA Required Public Notice of SIU Significant Noncompliance

The State of North Carolina Pretreatment Regulations (T15: 02H .0900) require the City of Greensboro Industrial Waste Section to submit a SIU Significant Noncompliance Report [SNCR]. This report lists all SIUs/IUs in "significant noncompliance" with any permit limit, pretreatment standard or pretreatment requirement during the reporting year.

At least annually, the Industrial Waste Section shall publish in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of those industrial users which were found to be in significant noncompliance with applicable pretreatment standards and requirements, during the previous 12 months.

For the purposes of these two provisions, a significant industrial user is in "significant noncompliance" if its violation meets one or more of the criteria found in Article I-Section 4. (51.).

ADDITIONAL REQUIREMENTS AND PROVISIONS FOR CATEGORICAL SIGNIFICANT INDUSTRIAL USERS

Section 10 - National (Federal) Categorical Pretreatment Standards

National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories have been established by the EPA in 40 CFR Chapter 1, Subchapter N- Effluent Guidelines and Standards, Parts 403-471 and are hereby incorporated herein.

Any user subject to a Federal categorical pretreatment standard is required to comply with the applicable standard.

Section 11 - Categorical Pretreatment Standards as Permit Limits

- A. The City of Greensboro Industrial Waste Section may issue Federal Categorical Pretreatment Standards as concentration limits or mass limits in accordance with 40 CFR Part 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Industrial Waste Section shall impose alternate limits using the combined wastestream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- E. A user may request removal credits for a categorical pretreatment standard in accordance with 40 CFR 403.7.

Section 12- Categorical Significant Industrial User Monitoring for Pollutants Not Present

The City of Greensboro Industrial Waste Section has the authority to grant monitoring waivers to Categorical Significant Industrial Users where the Categorical Significant Industrial User documents that pollutants are not present at the facility or anywhere in the wastestream. These waivers shall be issued in accordance with 40 CFR Part 403.8(f)(2)(v) and 403.12(e).

Section 13- Categorical Significant Industrial User Reporting:
Baseline Monitoring Reports and 90 Day Compliance Reports

A. Baseline Monitoring Report (BMR) Requirement.

BMR for Existing Categorical Significant Industrial Users - Within one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard [or one hundred and eighty (180) days after the final administrative decision made upon a category determination submission, whichever is later] existing Industrial Users subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to the POTW shall submit to the Industrial Waste Section a "Baseline Monitoring Report" which shall contain the following:

1. Identifying Information. The name and address of the facility as well as the name of the operator and owner.
2. Environmental Permits. A list of any environmental control permits held by the facility.
3. Description of Operations. A brief description of the nature, average rate of production, and SIC of the operation(s) carried out by the industrial user, along with a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
4. Flow Measurement. Average daily and maximum daily flows from regulated process wastestreams [and other wastestreams if the combined wastestream formula is to be used].
5. Measurement of Pollutants.
 - (a) The categorical pretreatment standards applicable to each regulated process.
 - (b) The results of at least one composite sample, representative of daily operations, and analysis identifying the concentration [or mass where required by the Standard] of regulated pollutants in the discharge from each regulated process.
 - (c) A minimum of four (4) grab samples must be used for any of the following applicable standards: pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. Sampling must be performed in accordance with procedures set out in Article II, Sections 23-24 of this Ordinance and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4).
 - (d) Time, date, place of sampling and methods of analysis.
6. Certification. A statement, reviewed by the user's current signatory official and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to any schedule required by this section:
 - (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the SIU to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major

- components, commencing construction, completing construction, etc.);
- (b) No increment referred to above shall exceed nine (9) months;
- (c) The user shall submit a progress report to the Industrial Waste Section no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it is in compliance with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule; and
- (d) In no event shall more than nine (9) months elapse between such progress reports to the Industrial Waste Section.

BMR for New Source Categorical Significant Industrial Users - At least ninety (90) days prior to commencement of discharge, New Sources and sources that become Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall be required to submit to the Industrial Waste Section a report which contains the information listed above as 1 through 5 of this section. New Sources shall give estimates of the information requested in 4 and 5 of this section. New Sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards.

B. 90 Day Compliance Report Requirement.

Existing and New Source Categorical Significant Industrial Users – Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, within ninety (90) days following commencement of the discharge of regulated wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Industrial Waste Section a report containing the following information:

Flow Measurement. Average daily and maximum daily flows from regulated process wastestreams [and other wastestreams if the combined wastestream formula is to be used].

1. Measurement of Pollutants.

- (a) The categorical pretreatment standards applicable to each regulated process.
- (b) The results of at least one composite sample, representative of daily operations, and analysis identifying the concentration [or mass where required by the Standard] of regulated pollutants in the discharge from each regulated process. For any user subject to categorical pretreatment standards expressed in terms other than concentration [such as production based standards], the report shall include all the information necessary in order to make the appropriate calculation and determination of compliance.
- (c) A minimum of four (4) grab samples must be used for any of the following applicable standards: pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. Sampling must be performed in accordance with procedures set out in Article II, Section 24 of this Ordinance and 40 CFR 403.12(d), (b) and (g), including 40 CFR 403.12(g)(4).
- (d) Time, date, place of sampling and methods of analysis.

2. Certification. A statement, reviewed by the user's current signatory official and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

Section 14 - Categorical SIU Dilution Prohibition

Except where expressly authorized to do so by an applicable Pretreatment Standard or requirement, no categorical Significant Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. The Industrial Waste Section may impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases where the imposition of mass limitations is appropriate.

Section 15 - Categorical SIU Affirmative Defenses to Discharge Violations

An "Upset" shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of the following paragraph are met:

- A. A user who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 1. An Upset occurred and the user can identify the cause(s) of the Upset;
 2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
 3. The user has submitted the following information to the POTW and/or Industrial Waste Section within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five days):
 - (a) a description of the discharge and cause of noncompliance;
 - (b) the period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - (c) steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- B. In any enforcement proceeding the user seeking to establish the occurrence of an Upset shall have the burden of proof.
- C. Users will have the opportunity for a judicial determination of any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Article II, Section I A of this ordinance or the specific prohibitions in Article II, Section I B.(3-7) of this ordinance, if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during the pass through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Greensboro POTW was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

Bypass

- A. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (B.) and (C.) of this section.
- B.
 - (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Industrial Waste Section at least ten (10) days before the date of the bypass, if possible.
 - (2) A user shall submit oral notice to the POTW of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The IWS may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- C.
 - (1) Bypass is prohibited, and the IWS may take an enforcement action against a user for a bypass, unless (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; (b) There were not feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and (c) The user submitted notices as required under paragraph (B.) of this section.
 - (2) The IWS may approve an anticipated bypass, after considering its adverse effects if the IWS determines that it will meet the three conditions listed in paragraph C.1. of this section.

ARTICLE V - OTHER WASTEWATER DISCHARGE PERMITS AND DOCUMENTS

The permits and documents outlined in this Article are issued under the authority of this Ordinance and, as such, are subject to all of the general requirements, enforcement provisions and administrative procedures established herein.

Section 1 - Industrial User (IU) Discharge Permit

Industrial User Discharge Permits are issued to users who do not meet the definition of "Significant Industrial User" but, who, in the opinion of the Industrial Waste Section, still need to be permitted and/or monitored. The Industrial Waste Section may require any user to apply for an Industrial User Discharge Permit. Industrial User Discharge Permits are local permits and are not a part of the federally mandated pretreatment program. Industrial User permits may contain pollutant limits and/or local pollutant allocations. All limits and allocations are established on a case-by-case basis and are based on the Maximum Allowable Headworks Loadings of the POTW.

Section 2 - Local Pollutant Allocation Document

Local Pollutant Allocation Documents are issued by the Industrial Waste Section for the control of any pollutants of concern not required to be limited in IU or SIU permits. The allocations are determined on a case-by-case basis in accordance with the City of Greensboro Local Pollutant Allocation Policy. Local Pollutant Allocation Documents are issued in conjunction with an IU or SIU Permit. No specific application document is required and request for renewal of a Significant Industrial User Permit is an automatic request for renewal of the Local Pollutant Allocation Document. Local Pollutant Allocation Documents are local control mechanisms and are not a part of the federally mandated pretreatment program.

Section 3 - Groundwater Discharge Permits

Groundwater Remediation Discharge Permits will only be considered when the discharge of groundwater from an on-going groundwater remediation project would significantly impact local municipal drinking water supplies. The City of Greensboro's commitment to accept a new or existing groundwater remediation discharge is limited to the duration of the permit. Groundwater Remediation Discharge Permits are local permits and are not a part of the federally mandated pretreatment program. The denial of a Groundwater Remediation Permit may not be appealed.

Section 4 - Temporary Special Wastewater Discharge Permit

The City of Greensboro Industrial Waste Section may issue Temporary Special Wastewater Discharge Permits for certain one-time short term wastewater discharges that are not typical of the usual wastewater discharged by a user. The limits and conditions contained in a Special Wastewater Discharge Permit are developed on a case-by-case basis. The Industrial Waste Section may deny a request for a Special Wastewater Discharge Permit for any reason. The denial of a Special Wastewater Discharge Permit may not be appealed. Special Wastewater Discharge Permits are local permits and are not a part of the federally mandated pretreatment program.

Section 5 - Letter of Acceptance Document

The Industrial Waste Section may issue a Letter of Acceptance Document for an on-going discharge of a very insignificant *de minimis* wastestream. A Letter of Acceptance Document is valid indefinitely as long as the volume and characteristics of the waste described in the document remain the same. Any limits and conditions included in a Letter of Acceptance are developed on a case-by-case basis. Letter of Acceptance Documents are local control mechanisms and are not a part of the federally mandated pretreatment program.

Section 6 - Other Permits and Documents

The Industrial Waste Section is authorized to develop and issue other types of permits and documents as necessary to control discharges to the City of Greensboro POTW. In addition, the Industrial Waste Section is authorized to temporarily or permanently, revoke or suspend issuance of any type of permit or document in this Article at any time in order to protect the POTWs from pass through or interference or in order to maintain compliance with any NPDES permit requirement or pretreatment program requirement.

Section 7 - Special Arrangements

Except as subject to the provisions of the Clean Water Act and the City of Greensboro NPDES permits, no statement contained in this Ordinance shall be construed as preventing any special arrangement or agreement between the City and any user whereby water or wastewater of unusual strength, character, or quantity may be discharged into the municipal wastewater system upon such terms and conditions as the Industrial Waste Section deems appropriate. The granting of a special discharge or waiving of a provision at one time shall not prohibit the denial of a special discharge or enforcement of the waived provision at a later date.

ARTICLE VI - HAULED WASTEWATER

This article outlines the procedures for discharging hauled wastewater including: wastewater/solids generated/pumped in Guilford County from domestic septic tank systems (septage), waste activated sludge from domestic biological treatment plants with an NPDES permit, wastewater from portable sanitary privies (toilets), commercial/industrial wastewater, and recreational vehicle holding tank waste.

Section 1 – Discharge Approval Requirements

Any company or person that proposes to use the City of Greensboro POTW for the discharge of wastewater/solids from domestic septic tank systems, waste activated sludge from domestic biological treatment plants with an NPDES permit or wastewater from portable sanitary privies (toilets) shall request and receive approval/acceptance from the POTW by obtaining an “Authorization to Discharge Septage to a Waste Treatment Facility” document.

Approval or authorization by the City of Greensboro shall be documented with the signature of an individual responsible for the operation of the wastewater treatment plant used for disposal.

In addition the following information shall be provided to the Industrial Waste Section upon requesting approval/acceptance from the POTW: (1) Owner's name, address and phone number; (2) Business name, address and phone number; (3) Type(s) of septage handled; (4) Number of septage hauler vehicles; (5) Capacity and type of septage handled by each septage hauler vehicle; (6) Vehicle license and serial numbers of each septage hauler vehicle; (7) Counties in which the firm operates; (8) Disposal method(s) for septage.

Only waste generated/pumped in Guilford County may be discharged at the City of Greensboro wastewater facility, unless otherwise approved by the IWS.

Section 2 - State Permit Requirement

Any company or person that wishes to discharge wastewater/solids from domestic septic tank systems, waste activated sludge from domestic biological treatment plants with an NPDES permit or wastewater from portable sanitary privies (toilets) at a City of Greensboro POTW must have a valid "Septage Management Firm Permit" issued by the State of North Carolina Department of Environment and Natural Resources, Division of Waste Management, Solid Waste Section. Upon receiving a “Septage Management Firm Permit”, the company shall provide a copy to the POTW.

Any hauler who discharges to the POTW without a valid "Septage Management Firm Permit" from the State of North Carolina shall be in "significant noncompliance" with this Ordinance and is subject to applicable enforcement action.

Section 3 - Point of Discharge

Wastewater/solids from domestic septic tank systems, waste activated sludge from domestic biological treatment plants with an NPDES permit or wastewater from portable sanitary privies (toilets) shall be discharged only at the location(s) designated by the POTW and at such times as established by the POTW.

Any company or person that discharges wastewater/solids from domestic septic tank systems, waste activated sludge from domestic biological treatment plants with an NPDES permit or wastewater from portable sanitary privies (toilets) into the POTW at any point other than the designated discharge location at the North Buffalo Transfer Station or T. Z. Osborne Water Reclamation Facility without prior written permission from the City of Greensboro shall be in "significant noncompliance" with this Ordinance and is subject to applicable enforcement actions.

Section 4 - Record Keeping

The hauler shall provide complete and accurate information as to the origin of the waste. The hauler shall provide any other information pertaining to the waste as requested by the Industrial Waste Section. All pumping records and permit tickets shall be maintained by the hauler for a period of at least one year.

Falsification of any information required by the State of North Carolina or the Industrial Waste Section (including but not limited to the "Authorization to Discharge Septage to a Waste Treatment Facility", permit tickets or falsification of any other information requested by the Industrial Waste Section) is hereby defined as "significant noncompliance" of this Ordinance for the purposes of enforcement.

Section 5 - Permit Tickets

Haulers shall purchase books of permit tickets from the City to enable them to discharge wastes at the Greensboro POTW treatment plant. The driver of the septage hauler vehicle shall present a complete and accurate permit ticket to the POTW plant staff on duty. The permit ticket shall include the name of the driver, the date and time of discharge and the name, address and telephone number of the owner of each premises where the waste was collected as well as any other information requested by the IWS.

Section 6 - Sanitation and Safety Standards

Each hauler who discharges waste at the Greensboro POTW shall be responsible for the cleanliness and safety practices at the point of disposal. It shall be the responsibility of the hauler to discharge wastes in such a manner as to keep the area clean from spills or other debris. Any spills shall be promptly cleaned up. The hauler is also responsible for keeping the vehicle and related equipment clean and in good repair while being used for disposal at the POTW.

Section 7- Monitoring

Sampling of hauled waste shall be performed at the discretion of the City. The hauler is responsible for ensuring that all wastes brought to the POTW are in compliance with the general and specific discharge prohibitions described at Article II, Sections 1, 2, 6, 7, 8, and 9, of this Ordinance. If laboratory analyses indicate that any hauled waste violates an article or section of this Ordinance the hauler is subject to the enforcement actions outlined in Article VII of this Ordinance. The Industrial Waste Section is authorized to require any hauler to conduct additional analyses on a suspect waste. The City of Greensboro is authorized to recover any costs associated with sampling and monitoring directly from any and all haulers per Article IX of this Ordinance.

Section 8 – Harm, Interference or Pass-through Attributed to Hauled Waste

The Industrial Waste Section is authorized to take enforcement action against any hauler for any discharge that causes harm, interference, or pass-through at the POTW. The City of Greensboro is authorized to recover any cost associated with harm, interference or pass-through caused to the POTW by a hauler. Any hauler causing pass through or interference shall be considered to be in significant non-compliance with this Ordinance.

Section 9 - Commercial/Industrial Waste Discharges

Any hauler who wishes to discharge commercial/industrial waste to the City of Greensboro POTW must first apply for a Special Discharge Permit from the Industrial Waste Section. The Industrial Waste Section reserves the right to deny any Special Discharge Permit. The denial of a Special Wastewater Discharge Permit cannot be appealed.

Industrial or commercial septage shall be sampled prior to being removed from a septage system. Analytical results shall be submitted to the Industrial Waste Section for consideration prior to the issuance of a Special Discharge Permit.

Any hauler who discharges "commercial /industrial waste" to the POTW without first obtaining a "Special Discharge Permit" for the specific waste shall be in "significant noncompliance" with this Ordinance and is subject to applicable enforcement action.

Section 10 - Revocation of “Authorization to Discharge Septage to a Waste Treatment Facility”

Any “Authorization to Discharge Septage to a Waste Treatment Facility” document may be subject to revocation by the POTW or the Industrial Waste Section on the basis of failure to pay proper charges (including discharge without a permit ticket, use of a non-authorized disposal site), discharge of commercial/industrial waste without approval, falsification of information or any other significant violation of this Ordinance.

Section 11 - Wastewater from Recreational Vehicle Holding Tanks

No permit ticket shall be required to discharge domestic waste from a single, individually owned recreation vehicle holding tank provided such discharge is made at the approved site at the Greensboro POTW.

ARTICLE VII - ENFORCEMENT

ENFORCEMENT RESPONSE PLAN

Section 1 - Enforcement Response Plan

The Enforcement Response Plan document is a statement of policy by the City of Greensboro Industrial Waste Section [IWS]. It is not a regulation, code or statute and the Industrial Waste Section has the authority to amend this policy at any time in order to more effectively implement the requirements of the Federal Pretreatment regulations or the City of Greensboro local pretreatment program. This plan has been developed for guidance and is not intended to create legal rights or obligations, or to limit the enforcement discretion of the City of Greensboro.

The enforcement philosophy of the City of Greensboro Industrial Waste Section is progressive, in that problems are addressed at the lowest level and with the least formality possible consistent with the specific violation. However, no enforcement procedure is contingent upon the completion of any "lesser" activity. For instance, in the case of a particularly serious violation, a show cause hearing may be scheduled immediately without the use of a Notice of Violation, a Notice of Significant Noncompliance or an enforcement meeting.

Section 2 – Enforcement Response Plan Purpose

The purpose of the Enforcement Response Plan [ERP] is to comply with the Federal pretreatment regulation requirement and to provide an enforcement framework document to ensure that the City of Greensboro Industrial Waste Section takes fair, consistent and equitable enforcement actions against industrial users and Significant Industrial Users that violate Pretreatment Standards and Requirements. It should be noted that, even with an ERP, judgment and flexibility will be needed at times in response to unusual instances of noncompliance. Some violations may require a response that deviates from the ERP depending on the particulars of the situation.

The ERP outlines the procedures that will be used to identify, document, track and respond to noncompliance and provides guidance for selecting the enforcement action most appropriate for a given violation. In general, enforcement actions will be taken in accordance with the Enforcement Response Plan; however, the enforcement actions listed in the ERP are not exclusive and the City of Greensboro Industrial Waste Section reserves the right to implement other enforcement responses available under the SUO and North Carolina law, separately or in combination with these responses.

The Enforcement Response Plan [ERP] was developed in accordance with the City of Greensboro Sewer Use and Pretreatment Ordinance, State regulations set forth at 15A NCAC 2H .0900 and 40 CFR Part 403.8(f)(5) which states the following:

The POTW shall develop and implement an Enforcement Response Plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. Plans shall at a minimum:

- A. Describe how the POTW will investigate instances of noncompliance;
- B. Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which response will take place;

- C. Identify (by title) the official(s) responsible for each type of response; and
- D. Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8(f)(1) and (f)(2).

Whenever the Industrial Waste Section finds that any industrial user has violated or is violating this Ordinance, a wastewater discharge permit/document, or any prohibition, limitation or requirements contained herein, the Industrial Waste Section may serve upon such a person a written notice stating the nature of the violation. Within thirty (30) days from the date of this notice, a plan for the satisfactory correction thereof shall be submitted to the IWS by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the Notice of Violation or Notice of Significant Noncompliance.

The City of Greensboro Industrial Waste Section is empowered by North Carolina General Statutes (NCGS) 143-215.6A and the City of Greensboro Sewer Use and Pretreatment Ordinance (SUO) to take a wide variety of enforcement actions. These actions are detailed in the Enforcement Response Plan and are as follows:

ADMINISTRATIVE ENFORCEMENT REMEDIES

Section 3 – Informal Enforcement Notification/Actions

The City of Greensboro is authorized to take the following informal actions in response to instances of noncompliance. No formal enforcement procedure is contingent upon the completion of any lesser, or informal procedure

A. Informal Notice of Deficiency (NOD)

Informal NODs are used for minor isolated infractions or as an initial step leading to an escalated enforcement response. All informal NODs are documented and placed in the respective industrial user file.

The Informal NOD may be verbal, by telephone, email, data summary sheet entry, inspection report entry, or on-site notification to the industrial user that an infraction and/or deficiency has occurred.

B. Enforcement Meeting

An Enforcement Meeting is an informal meeting used to gather information concerning noncompliance, discuss steps to alleviate noncompliance and determine the commitment level of the industrial user.

C. Initiation of Self-Monitoring or Increase in Self-Monitoring

Initiation/additional self-monitoring is used when a violation has occurred and additional self-monitoring must be conducted per 40 CFR Part 403.12(g)(2). This is also used for exceedance of Local Pollutant Allocations.

D. Employee Training Requirement

When the IWS determines that a violation has been caused by industrial user employee(s) lack of knowledge concerning permit/SUO requirements employee training may be required

E. Installation of Additional Sampling and/or Monitoring Equipment

In instances where the IWS determines that due to a violation or problem caused by the industrial user, more intensive and immediate sampling may need to be conducted on a routine basis, installation of additional sampling and/or monitoring equipment may be required.

F. Other Informal Actions

The Industrial Waste Section is authorized to develop and implement any other innovative informal actions as necessary to ensure compliance with pretreatment standards, permit/document limits, local allocations or any other Ordinance requirement.

The City of Greensboro is authorized to take the following formal actions in response to instances of noncompliance. No formal enforcement procedure is contingent upon the completion of any lesser, or informal procedure

Section 4 – Formal Enforcement Notification/Actions

A. Formal Notice of Violation [NOV]

A formal NOV is a written notice to the noncompliant industrial user that a pretreatment violation has occurred. A NOV includes a statement detailing the legal authority under which the City issued the NOV, a description of the violation(s) and the date(s) the violation(s) occurred. A NOV may require a response from the industrial user that details the causes of the violation(s), and the corrective action taken to correct the violation and prevent similar violations from occurring. In general a NOV is considered to be a more serious enforcement action than a NOD.

B. Notice of Significant Non-Compliance [SNC]

A Notice of Significant Non-Compliance is a written notice to a noncompliant industrial user that violation(s) of a Federal, State and/or local discharge standard or pretreatment requirement has occurred and the violation(s) met the 40 CFR Part 403.8(f)(2)(viii) Definition of SNC. The industrial user will be publicly noticed in a newspaper of general circulation in the area; a civil penalty will be assessed.

The City of Greensboro Industrial Waste Section may declare any violation of any provision of this Ordinance or an order or permit/document issued hereunder as a "significant violation" and declare the user to be in "significant noncompliance". The IWS must publish the name of any user in significant noncompliance in a newspaper of general circulation in the local area and any applicable details as to the violation and resulting enforcement actions. The IWS may also require significant violator(s) to advertise at their own expense concerning their noncompliance and the enforcement actions taken against them. The text of any self-notification shall be edited and approved by the IWS.

C. Consent Orders

A Consent Order is a voluntary agreement with a non-compliant user. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Such documents shall have the same force and effect as the administrative orders issued pursuant to Part D of this Article and shall be judicially enforceable.

D. Administrative Orders [AO]

Administrative Orders [AOs] are enforcement documents that direct industrial users to undertake and/or to cease specified activities by specified deadlines. The terms of an AO may or may not be negotiated with industrial users. AOs may incorporate compliance schedules, administrative penalties, termination of service and show cause orders.

When the Industrial Waste Section finds that an industrial user has violated or continues to violate the Ordinance, permits or orders issued hereunder, or any other pretreatment requirement, the Industrial Waste Staff may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:

1. Immediately comply with all requirements;
2. Comply in accordance with a compliance time schedule set forth in the order;
3. Take appropriate remedial or preventive action in the event of a continued or threatened violation;
4. Disconnect unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated within a specified time period.

Administrative orders may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW.

E. Show Cause Hearing

A Show Cause Hearing [SCH] is a formal meeting requiring the user to appear, explain its noncompliance, and “show cause” as to why more severe enforcement actions against the user should not go forward. The meeting may also serve as a forum to discuss corrective action and compliance schedules. A SCH is not a prerequisite to a civil penalty assessment nor is any action or inaction taken by the IWS in a SCH subject to an administrative appeal under Article VIII of this Ordinance.

The Industrial Waste Section shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate.

F. Termination of Service or Permission to Discharge

Termination of Service [TOS] is the revocation of a user’s privilege to discharge nondomestic wastewater into the sanitary sewer system. TOS is used when the discharge from a user presents imminent endangerment to the health or welfare of persons, or the environment or threatens to interfere with the POTW’s operations. TOS is also used as an escalating enforcement action to a significant violation when a noncompliant industrial user fails to respond adequately to previous enforcement actions. TOS may be accomplished by physical severance of the industrial user’s connection to the collection system, issuance of an AO [Cease and Desist Order] which compels the industrial user to immediately terminate its discharge, revocation of the industrial user permit or a court ruling.

The IWS may reinstate a user's permission to discharge/or the wastewater service upon proof of the elimination of the noncompliant discharge. The user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the IWS prior to any request for reinstatement.

G. Revocation of Permit

Any user who violates the conditions of this Ordinance, conditions of a permit, or applicable State and Federal regulations is subject to having its permit revoked. Violations subjecting a user to revocation of its permit include, but are not limited to, the following:

1. Failure to factually report the wastewater constituents and characteristics of the discharge;
2. Failure to report significant changes in operations, or wastewater constituents and characteristics;
3. Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or
4. Violation of conditions of the permit or permission to discharge, conditions of this Ordinance, or any applicable State and Federal regulations.

Noncompliant users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under Section 4 E₂ of this Article why the proposed action should not be taken. However, notwithstanding any other provisions of this article, the Industrial Waste Section Supervisor or designee may in their sole discretion immediately revoke any discharge permit where the discharge reasonably appears to present an imminent endangerment to the health or welfare of persons, the POTW or the environment.

Before any further discharge of industrial wastewater may be made by a user whose permit has been revoked, the user must apply for, and be granted, a reinstatement of the terminated permit, or a new permit, as the Industrial Waste Section may require, and pay any delinquent fees and all fines, charges, and other costs occasioned by the violation(s). Costs shall include, but not be limited to: inspection, monitoring, sampling and related expenses; restitution to other affected parties; attorney's fees incurred by the City in enforcing the permit; disconnecting and reconnecting the user to the facility; and other actual charges and costs shall be paid for by the user before any new permit will be issued.

H. Water Supply Severance

Whenever an industrial user is in violation of the provisions of this Ordinance or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense after it has satisfactorily demonstrated ability to comply.

I. Civil Litigation/Injunctive Relief

Civil Litigation is the formal process whereby the City files a lawsuit against the industrial user to secure court ordered action to correct violations and to secure penalties for the violations including recovery of costs to the POTW for the noncompliance. Civil litigation also includes enforcement measures which require involvement or approval of the court, such as injunctive relief.

J. Civil Penalties

Any user who is found to have failed to comply with any provision of this Ordinance, or the orders, rules, regulations and permits issued hereunder, may be assessed a civil penalty of up to twenty-five thousand dollars (\$25,000.00) per day per violation.

1. Penalties between \$10,000 and \$25,000 per day per violation may be assessed against a violator only if:
 - (a) for any class of violation, only if a civil penalty has been imposed against the violator within the five years preceding the violation; or
 - (b) in the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this Ordinance, or the orders, rules, regulations and permits issued hereunder, only if the Director determines that the violation was intentional and a civil penalty has been imposed against the violator within the five years preceding the violation.
2. In determining the amount of civil penalty, the Industrial Waste Section Supervisor shall consider the following:
 - (a) The degree and extent of the harm to the natural resources, to the public health, to the POTW or to public or private property resulting from the violation;
 - (b) The duration and gravity of the violation;
 - (c) The effect on ground or surface water quality or on air quality;
 - (d) The cost of rectifying the damage;
 - (e) The amount of money saved by noncompliance;
 - (f) Whether the violation was committed willfully or intentionally;
 - (g) The prior record of the violator in complying or failing to comply with the pretreatment program;
 - (h) The cost of investigation and enforcement by City of Greensboro.
3. Appeals of civil penalties assessed in accordance with the section shall be as provided in Article VIII of this Ordinance.

K. Criminal Penalties

For violations that may warrant criminal prosecution, the City of Greensboro will refer the case to the Environmental Protection Agency or the State Bureau of Investigation. Circumstances that trigger EPA or State referrals include evidence of criminal intent, willfulness, evidence of negligence and bad faith shown by the industrial user.

Section 5 - Other Remedies

The Industrial Waste Section is authorized to develop and implement any other innovative formal actions as necessary to ensure compliance with pretreatment standards, permit/document limits, local allocations or any other Ordinance requirement.

Section 6 - Public Nuisances

Any violation of the prohibitions or effluent limitations of this Ordinance or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Industrial Waste Section. Any person(s) creating such public nuisances shall be subject to the provisions of the City of Greensboro Code governing such nuisances,

including reimbursing the City for any costs incurred in removing, abating or remedying said nuisance.

Section 7 - Remedies Nonexclusive

The remedies provided for in this Ordinance are not exclusive. The Industrial Waste Section may take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City of Greensboro Industrial Waste Section Enforcement Response Plan. However the Industrial Waste Section may take other action against any user when the circumstances warrant. Further, the Industrial Waste Section is empowered to take more than one enforcement action against any noncompliant user.

ARTICLE VIII – APPEALS

All users are encouraged to try to resolve any issues concerning their permit or any enforcement actions. If any concerns cannot be resolved informally through discussions, an industrial user may take the following successive steps:

Section 1 - Reconsideration Petitions

- A. Any user may submit a written petition to the Pretreatment Coordinator to reconsider the assessment of a civil penalty, the terms of a wastewater discharge permit, the terms of an administrative order or the denial of a wastewater discharge permit within thirty (30) consecutive calendar days of permit issuance, permit denial, administrative order issuance or civil penalty assessment.
- B. Failure to submit a timely petition for reconsideration shall be deemed to be a waiver of the administrative appeal.
- C. In its petition, the appealing party must, for civil penalties, indicate the reason(s) the penalty is unfair or undeserving and the alternative enforcement action recommended if any. For wastewater discharge permits and administrative orders, the appealing party must indicate the provisions objected to, the reasons for the objection, and the alternative condition, if any, the petitioner seeks to place in the wastewater discharge permit or administrative order.
- D. The effectiveness of a wastewater discharge permit shall not be stayed pending the appeal.
- E. If the Pretreatment Coordinator fails to act within thirty (30) consecutive calendar days of receipt, a request for reconsideration shall be deemed to be denied.

Section 2 - First Appeal Hearing

- A. An applicant whose permit is denied, or is granted subject to conditions deemed unacceptable, a permittee/user assessed a civil penalty under Article VII, Section 4 J., or one issued an administrative order under Article VII, Section 4 D. shall have the right to a hearing before the Industrial Waste Section Supervisor upon making written demand, to the Industrial Waste Section, identifying the specific issues to be contested, within thirty (30) consecutive calendar days following receipt of the permit/document, civil penalty assessment, or administrative order.
- B. Unless such written demand is made within the time specified herein, the action shall be final and binding.

- C. The Industrial Waste Section Supervisor shall make a final decision on the contested permit, penalty or order within thirty (30) consecutive calendar days of the receipt of the written demand for a hearing.
- D. The Industrial Waste Section shall transmit a copy of the Industrial Waste Section Supervisor's decision by registered or certified mail.

Section 3 – Final Appeal Hearing

- A. Any decision by the Industrial Waste Section Supervisor made as a result of a hearing held under Section 2 above may be appealed upon filing a written demand to the Industrial Waste Section Supervisor within fifteen (15) consecutive calendar days of receipt of notice of the decision.
- B. Failure to make written demand within the time specified herein shall bar further appeal.
- C. The Industrial Waste Section shall solicit an independent, third-party Pretreatment Coordinator (from another municipality) to serve as a hearing officer to make written recommendations to the Water Reclamation Manager. The Water Reclamation Manager shall make a final decision on the appeal within forty-five (45) consecutive calendar days of the date the second appeal was filed and shall transmit a written copy of the decision to the petitioner by registered or certified mail.
- D. The decision of the Water Reclamation Manager shall be considered the final administrative action for purposes of judicial review.

Section 4 – Official Record

- A. When a final decision is issued under Section 3 above, the Water Reclamation Manager shall prepare an official record of the case that includes:
 - a. All notices, motions, and other like pleadings;
 - b. A copy of all documentary evidence introduced;
 - c. A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken.

Section 5 - Judicial Review

Any user may seek judicial review of a final administrative decision by the Water Reclamation Manager by filing a written petition within thirty (30) consecutive calendar days after receipt of notice by registered or certified mail, but not thereafter, with the Superior Court of Guilford County along with a copy to the City of Greensboro Water Resources Director. The appeal shall be in the nature of certiorari.

Section 6 – Appeal Actions

- A. New Permits – Upon appeal, including judicial review, in the General Courts of Justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
- B. Renewed Permits – Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

- C. Terminated Permits – Upon appeal, including judicial review in the General Courts of Justice, of a terminated permit, no permit is in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

ARTICLE IX - FEES AND CHARGES

Section 1 - Authority to Establish Fees and Charges

It is the purpose of this section to provide for the recovery of costs from users of the City of Greensboro sanitary sewer system for the implementation of the program established herein and for the construction, operation and maintenance of said system. The City of Greensboro Water Resources Director is hereby authorized to adopt charges and fees which may include:

- A. Service connection fees
- B. User charges
- C. Fees for permitting, monitoring, inspections, and surveillance procedures, including laboratory analyses
- D. Fees for reimbursement of costs of setting up and operating the pretreatment program
- E. Fees for permit/document applications or permits/documents
- F. Groundwater remediation discharge fees
- G. Fees for the acceptance of hauled waste including: domestic septic tank sludge, treatment plant waste activated sludge, commercial/industrial wastewater, or wastewater from portable sanitary privies
- H. Fees for the acceptance of special wastes
- I. Industrial Waste Surcharges
- J. Fees associated with public document requests
- K. Other fees as the City of Greensboro deems necessary to carry out the requirements and activities contained in this Ordinance.

Section 2 - Industrial Waste Surcharges

In addition to the sewer service charge, all industrial users of the POTW are subject to industrial waste surcharges. A surcharge will be assessed on discharges which exceed a concentration of 200 mg/l Biochemical Oxygen Demand and 200 mg/l Total Suspended Solids. The amount of the surcharge will be based upon the mass discharge rate (in pounds per day).

- A. The Industrial Waste Section shall develop and evaluate the surcharge monitoring schedule annually. The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the Industrial Waste Section. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CFR Part 136. The determination of the character and concentration of the constituents of the wastewater discharge by the Industrial Waste Section shall be binding as a basis for surcharges.
- B. The amount charged per pound of excess BOD and TSS will be set forth in the schedule of charges and fees.
- C. The Industrial Waste Section shall calculate the surcharge per unit of water (748 gallons) from representative composite samples. One sampling event shall consist of a minimum of three (3) composite samples.

- D. The Industrial Waste Section shall establish a surcharge on all laundries and restaurants based on a set cost per unit as determined by a sampling of restaurants and laundries excess BOD and TSS concentrations. The amount charged per unit will be calculated based on the adopted BOD and TSS rates as set forth in the schedule of charges and fees.
- E. The Industrial Waste Section is authorized to develop other sector-specific surcharges based on a set cost per unit.

The Industrial Waste Section reserves the right to establish surcharges for other pollutants or other industrial categories.

Section 3 - User Charge and Fee Schedules

All charges, fees and other penalties shall be published in schedules separate from this Ordinance and may be revised as the City of Greensboro finds necessary for maintenance of the purposes described herein.

ARTICLE X - CONFIDENTIAL INFORMATION

Section 1 - Disclosure of Information

The Industrial Waste Section is authorized to obtain information concerning industrial processes which have a direct bearing on the kinds and sources of discharges to the City of Greensboro POTW. As required by Federal regulations, industrial users must disclose information on processes; however, such information as the user considers to be Confidential will be maintained Confidential and not be permitted to become an advantage to competitors.

This information will however, be made available upon written request to the NCDEQ and the U.S. Environmental Protection Agency for uses related to this Ordinance or the Pretreatment Program. Upon receipt, those entities shall be responsible for maintaining the information as Confidential and the City of Greensboro shall not be held liable for the actions of another governmental agency.

Section 2 - Public Information

The Industrial Waste Section shall provide access to information and documents consistent with NCGS 132, North Carolina's Municipal Records Retention and Disposition Schedule and the local policy established by the Greensboro PIRT Administrator. All public information requests received by the Industrial Waste Section will be tracked and completed through the City of Greensboro Public Information Request Tracking (PIRT) System and in compliance with the Water Resources Department Water Billing Records Policy.

Section 3 - Method and Time of Asserting Confidentiality Claims

Any user who is submitting information or a wastewater discharge permit/document application may assert a confidentiality claim covering the information by placing on or attaching to the information at the time it is submitted to the IWS, a stamped or typed legend employing language such as "Trade Secret", "Proprietary" or "Company Confidential". Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the user and may be submitted separately to facilitate handling by the IWS. If the user desires

confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

City of Greensboro administrative and legal costs associated with any subsequent third party challenge to the confidentiality of the information provided shall be borne by the industrial user.

ARTICLE XI – Fats, Oils and Grease (FOG) Policy

The City of Greensboro Fats, Oils and Grease Policy was developed to implement the specific prohibition of the discharge of solid or viscous substances in amounts which would cause obstruction to the flow in the POTW collection system resulting in harm, interference, pass-through, NPDES permit violations and/or sanitary sewer overflows. The FOG Policy is applicable to all Food Service Establishments that discharge to the City of Greensboro POTWs.

Any violation of the City of Greensboro Fats, Oils and Grease Policy is hereby a violation of this Sewer Use Ordinance. Enforcement of the Fats, Oils and Grease Policy will be in accordance with the Fats, Oils and Grease Enforcement Response Plan.

ARTICLE XII- LEGALITY

Section 1 - Severability

If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance.

Section 2 - Repeal of Previous City of Greensboro Sewer Use Ordinance

The City of Greensboro North Carolina Wastewater Usage and Pretreatment Ordinance - Section 37 of the Rules and Regulations For the Consolidated Water and Sanitary Sewerage System adopted in 2013, is hereby repealed.

Section 3 - Conflict

All other Ordinances and regulations and parts of other Ordinances and regulations inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 4 - Amendments

The City of Greensboro expressly reserves the right to amend, modify, rescind, or supplement this Ordinance.

ARTICLE XIII - ADOPTION AND EFFECTIVE DATE

This ordinance was introduced and adopted by the City of Greensboro City Council on January 21, 2020. The effective date of this ordinance is January 21, 2020.